



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

Ms. Donna Allan
Eastern Slope Inn
2760 Main Street
N. Conway, New Hampshire 03860

LETTER OF DEFICIENCY
WMB PBF 04-02
February 19, 2004

Dear Ms. Allan:

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 9, 2004, DES inspected the following public bathing facilities at the Eastern Slope Inn, in Conway, NH: the indoor pool ("Pool"), the indoor spa ("Indoor Spa") and the outdoor spa ("Outdoor Spa").

During this inspection, the following deficiencies were noted:

1. A recommendation to close the Pool was issued on February 9, 2004. The inspection on February 9, 2004 revealed that the Pool was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violation was observed in the Pool water:
 - a. The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The Pool water contained greater than 200 CTS/100mL.
- Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Outdoor Spa water was approximately 75.0 mg/L on February 9, 2004. A recommendation to close the Outdoor Spa was issued on February 9, 2004.
3. Env-Ws 1103.16(e) requires a bromine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L bromine. The bromine concentration of the Indoor Spa water was 1.1 mg/L on February 9, 2004.
4. Pursuant to Env-Ws 1103.15(e), the clarity of the pool water shall be such that the main drain is clearly visible at all times. The main drain / bottom of the Pool was not visible on February 9, 2004.
5. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Indoor Spa water was 7.9 on February 9, 2004.
6. Pursuant to Env-Ws 1103.15(a), disinfection of pool water shall be achieved by positive displacement pump type unit providing hypochlorination or by an erosion unit using either hypo-chlorite or bromine tablets with control of the erosion rate. The Pool disinfection unit does not meet the states minimum requirements and is not capable of functioning at full capacity.
7. Env-Ws 1104.01 requires the operator to test public bathing facility water for disinfectant residual, pH, and temperature prior to use of a public bathing facility and every 4 hours during operation, to record test results on a dated daily log sheet, and to maintain operational records for the previous twelve months and make these records available to DES and patrons of the public bathing facility upon request. The written records were not up to date at the time of the inspection relative to the required testing of the Pool, Indoor Spa or Outdoor Spa water.

- 8 Env-Ws 1104.04(a) requires the following safety devices to be present at all public pools: (1) a light, strong pole not less than 12 feet long, including a body hook, and (2) a minimum one-fourth inch diameter throwing rope as long as one and one-half times the maximum width of the pool or 50 feet, whichever is less, to which has been firmly attached a ring buoy with an outside diameter of approximately 15 inches or a similar flotation device. These safety devices were not present at the Pool at the time of inspection.
- 9 Env-Ws 1105.01(j) requires a rope with attached floats a ("breakpoint safety line") to be placed across public pools over the break in depth between the shallow and deep portions of the pool. A breakpoint safety line was not present in the Pool at the time of the inspection.
- 10 Pursuant to Env-Ws 1104.03(b), the operator shall be responsible for posting conspicuously displayed signs informing patrons of the DES rules relative to patron responsibilities (enclosed copy) and any other safety rules developed by the bathing facility management. Complete patron rules were not posted at the Pool at the time of the inspection.
- 1 Pursuant to Env-Ws 1104.03(d)(7), a clock shall be visible from all public spas. A clock was not visible from the Outdoor Spa at the time of the inspection.
- 12 Pursuant to Env-Ws 1104.03(c), signs shall provide the location of the nearest telephone. The location of the nearest telephone was not posted at the Pool at the time of the inspection.
- 13 Pursuant to Env-Ws 1103.11, all outdoor swimming pools shall have a wall, fence or other enclosure constructed around the entire pool or recreational area, which shall include self-closing and self-latching gates and shall be a minimum of 4 feet high measured on the inside and outside. The enclosure surrounding the Outdoor Spa does not include self-closing and latching gates.
- 14 Env-Ws 1105.01(k)(19) requires pool filtration systems to include a flow meter. The filtration system for the Pool did not include a flow meter.
- 15 Env-Ws 1105.03(d)(2) requires spa filtration systems to include a flow meter. The filtration system for the Outdoor Spa did not include a flow meter. The filtration system for the Indoor Spa did not include a flow meter.
- 16 Pursuant to RSA 485-A:26, no person shall install, operate or maintain an artificial swimming pool or bathing place open to and used by the public, or as part of a business venture, unless the construction, design and physical specifications of such pool or bathing place shall have received prior approval by the division. A public bathing facility is defined as a swimming pool, spa or special recreation pool operated for any municipality, governmental subdivision, public or private corporation, partnership, association or educational institution open to the public, members or students, whether on a fee or free basis, together with buildings and equipment. This includes, but is not limited to, town public bathing facilities, public bathing facilities at hotels, motels, health facilities, water parks, condominium complexes, apartment complexes and public campgrounds. DES does not have any record of design approval for the Outdoor Spa located at the Eastern Slope Inn, Conway, NH.

DES believes the cited deficiencies can be corrected within 30 days and requests that you submit a report within 45 days of receipt of this letter that describes the corrective measures taken. The report should include the following:

A copy of two weeks of water quality test results for all facilities (please do not send originals).

- 2 The type, manufacture, and model of the disinfectant feeder to be installed for the Pool.

- 3 The type, manufacture, and model of the flow meters to be installed.
4. A completed application for the unapproved Outdoor Spa.
- 5 A timetable of when:
 - a. the safety items will be in place;
 - b. patron rules will be posted;
 - c. the installation of the disinfection unit will be completed; and
 - d. the installation of the flow meters will be completed.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspections in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,


Jody Connor
Limnology Center Director

Enclosures

cc: Mark Harbaugh, Enforcement Attorney, DES ✓
Amy Wilson, Public Bathing Facility Coordinator, DES
Kenneth Kiesman, Health Officer, Town of Conway
David Pandora, Town of Conway